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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID GARCIA,

Defendant.

**Case No. 1:22-cr-00308-DAD-BAM**

STIPULATION AND ORDER TO  
CONTINUE SENTENCING

IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel, ROBERT LAMANUZZI, attorney for Defendant DAVID GARCIA and NICHOLAS KARP, Assistant U.S. Attorney for The Government, that the hearing currently scheduled for DECEMBER 15<sup>th</sup>, 2025, at 10:00 a.m. shall be continued until FEBRUARY 9<sup>th</sup>, 2026, at 10:00 a.m..

1. Defendant, David Garcia, is scheduled for sentencing on DECEMBER 15<sup>th</sup>, 2025,
2. On SEPTEMBER 9<sup>th</sup>, 2025, the Ninth Circuit Court of Appeals heard oral argument on *United States. v. Gomez* (Case No. 23-435),
3. The coming decision in *Gomez* may drastically affect the Sentencing Guideline calculation in this case,
4. The Defendant and his Counsel wish to file Formal Objections to the Presentence Report and proceed with sentencing after the *Gomez* decision is made,
5. The sentencing hearing was previously scheduled for October 6<sup>th</sup>, 2025, and continued

to December 15<sup>th</sup>, 2025, for the same reasons in anticipation *Gomez* would be decided by late October to mid-November, 2025,

6. As of the date of this stipulation, *Gomez* has yet to be decided,
7. There is no objection by the Government to the continuance,
8. The parties request a resetting of the PSR deadlines as follows:
  - a. Formal Objections due JANUARY 26<sup>th</sup>, 2026,
  - b. Sentencing Memorandums due FEBRUARY 2<sup>nd</sup>, 2026.

Dated: December 3<sup>rd</sup>, 2025,

Respectfully submitted,

/s/Robert Lamanuzzi  
ROBERT LAMANUZZI  
Attorney for Defendant,  
David Garcia

Dated: December 3<sup>rd</sup>, 2025,

Respectfully submitted,

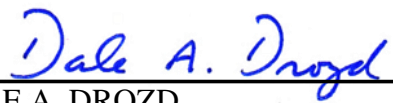
/s/Nicholas Karp  
NICHOLAS KARP  
Assistant U.S. Attorney

**ORDER**

Pursuant to the stipulation of the parties and good cause appearing, the sentencing hearing in this case currently scheduled for DECEMBER 15<sup>th</sup>, 2025, is continued until FEBRUARY 9<sup>th</sup>, 2026, at 10:00 a.m. in Courtroom 5 in Fresno before District Judge Dale A. Drozd and the PSR schedule is reset and formal objections to the PSR are now due JANUARY 26<sup>th</sup>, 2026, and sentencing memorandums are due FEBRUARY 2<sup>nd</sup>, 2026.

IT IS SO ORDERED.

Dated: **December 4, 2025**

  
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DALE A. DROZD  
UNITED STATES DISTRICT JUDGE